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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:

Registration No: 2,276,512

Date of Issuance: September 7, 1999

|                     |   |                         |
|---------------------|---|-------------------------|
| Dr. Gerald Bidawid  | ) |                         |
| Petitioner          | ) | Cancellation No. 32,774 |
|                     | ) |                         |
|                     | ) |                         |
| v.                  | ) | Mark: BIOSWISS          |
|                     | ) |                         |
|                     | ) |                         |
| Robert G. Rosenthal | ) |                         |
| Registrant          | ) |                         |



04-11-2002  
U.S. Patent & TMO/TM Mail Rpt Dt. #26

Box TTAB  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

02/27/18 PM 5:22  
PTAB

**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION**

Petitioner Gerald Bidawid, has filed the instant Petition for Cancellation and has alleged that it will be injured by Registrant's mark BIOSWISS mark (Registration No. 2,276,512).

In response to the above, Registrant answers as follows:

1. Admitted.
2. Admitted.
3. It is admitted that the word SWISS is an integral part of Registrant's mark. Except as specifically admitted, the allegations of paragraph 3 are denied.

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4. Denied, although as illustrated in exhibit A (which is incorporated herein) almost all of Registrant's products are manufactured in Switzerland.

5. It is admitted that Switzerland is a geographic location. Except as specifically admitted herein, the allegations of paragraph 5 are denied.

6. Registrant is without sufficient information as to be able to respond to the allegations of paragraph 6 and they are therefore denied.

7. Admitted.

8. Denied. As shown on the attached Exhibit A, almost all of Registrant's goods are manufactured in Switzerland.

9. It is admitted that the specimen that was submitted with the application to register BIOSWISS indicates that the product was made in France. Except as specifically admitted, the allegations of paragraph 9 are denied.

10 It is admitted that Bioswiss Cosmetics GMBH manufactures some of Registrant's goods. Except as specifically admitted, the allegations of paragraph 10 are denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

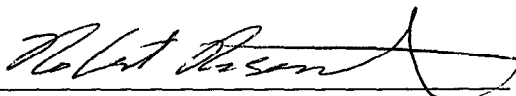
15. Denied.

16. Registrant is without sufficient information as to be able to respond to the allegations of paragraph 6 and they are therefore denied.

17. Registrant is without sufficient information as to be able to respond to the allegations of paragraph 6 and they are therefore denied.

18. Denied.

Respectfully submitted,

By: 

Robert G. Rosenthal, Registrant  
5856 Faringdon Place, Suite 200  
Raleigh, NC 27609  
(919) 872-4911

Dated: March 25, 2002

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served Registrant's Answer in the above-entitled action upon all other parties to this cause by depositing a copy hereof, postage paid, in the United States mail, addressed to the attorney or attorneys for said parties as follows:

Lawrence E. Abelman  
Abelman Frayne & Schwab  
150 East 42nd Street  
New York, NY 10017

Assistant Commissioner for Trademarks  
Trademark Trial & Appeal Board  
2900 Crystal Drive  
Arlington, VA 22202-3513

This the 8 day of <sup>APRIL RR</sup>~~March~~, 2002.



Robert G. Rosenthal

8 APRIL 2002

Date of Signature

EXHIBIT A

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BIOSWISS  
COSMETICS  
GMBH

BIOSWISS  
COSMETICS  
GMBH

HAIR-EPIL-Cream est un produit de qualité qui prend soin de votre épiderme, enlève en douceur et confortablement les pillosités désagréables. Pour le visage, le creux de l'aisselle, la pillosité intime, la pillosité des jambes et du corps.

Contains: Sterilized Demineralized Water · Calcium Hydroxide · Cetearyl Alcohol · Calcium/Sodium Thioglycolate · Ceteareth-25 · Sodium Lauryl Sulfate · Aloe Vera Gel · Fragrance (CTFA-Dictionary)

MADE IN SWITZERLAND

Vertrieb  
BIOSWISS Cosmetics GmbH.  
Postfach 1348  
D-7760 Radolfzell  
West-Germany

HAIR-EPIL®  
CREAM

Haarentfernungs-Creme  
depilatory cream  
Crème dépilatoire

75 ml

ACTIVE CARE SYSTEM



HERBAL  
TREATMENT

MADE IN SWITZERLAND

97001

BIOSWISS ACTIVE CARE SYSTEM ist eine hochwertige Schweizer Pflegeserie mit wertvollen Inhaltsstoffen, die nach den neuesten Erkenntnissen der kosmetischen Forschung entwickelt wurde. ACTIVE CARE SYSTEM - Produkte bauen die Haut sichtbar wieder auf und sind für jeden Hauttyp geeignet.

BIOSWISS ACTIVE CARE SYSTEM is a high quality Swiss skin care programme containing valuable substances developed in line with the latest insights from cosmetic research. ACTIVE CARE SYSTEM - products visibly improve skin structure and are suitable for all skin types.



**MOISTURIZING MASK**  
for all skin types

High performance gel mask containing aloe vera extracts and hyaluronic acid gives skin an in-depth moisturizing treatment. Apply mask to face, throat and neckline and leave to take effect for 10 - 15 minutes. Rinse off with warm water.

For external use only

**BIOSSWISS**  
COSMETICS  
GMBH

**FEUCHTIGKEITS  
MASKE  
MOISTURIZING  
MASK**

für alle Hauttypen  
for all skin types

MADE IN SWITZERLAND

Dermatologisch getestet  
Dermatologically tested

50 ml e 1.7 fl. oz.

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**MUD MASK**  
for oily skin which suffers  
from impurities

Apply thickly to the cleansed skin, avoiding the areas around the eyes, mouth, nose and hairline. Leave to dry before washing off with warm water.

For external use only

**BIOSSWISS**  
COSMETICS  
GMBH

**SCHLAMM MASKE  
MUD MASK**

für unreine und fettige Haut  
for oily skin which suffers  
from impurities

MADE IN SWITZERLAND

Dermatologisch getestet  
Dermatologically tested

50 ml e 1.7 fl. oz.

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